

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AEROTEK, INC.,

Plaintiff,

v.

**BEACON HILL STAFFING
GROUP, LLC,**

Defendant.

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Civil Action No. 2:18-cv-02645-GEKP

**ORDER GRANTING DEFENDANT, BEACON HILL' S MOTION TO DISMISS
PURSUANT TO FEDERAL RULE 12(b)(6) AND/OR 12(b)(7),
OR IN THE ALTERNATIVE, MOTION TO STAY**

AND NOW, this ____ day of _____, 2018 , upon consideration of the Motion by Defendant, Beacon Hill Staffing Group LLC for an Order dismissing the Complaint pursuant to Federal Rule 12(b)(6) for failure to state a claim and/or 12(b)(7) for failure to join a party under Rule 19, and/or Motion to Stay and supporting memorandum, and the Plaintiff' s response thereto,

IT IS HEREBY ORDERED that the Motion is GRANTED, and the Complaint is DISMISSED.

BY THE COURT

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AEROTEK, INC.,

Plaintiff,

v.

**BEACON HILL STAFFING
GROUP, LLC,**

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IT IS HEREBY ORDERED that this action is stayed pending resolution of the action in United States District Court for the District of Maryland *Aerotek, Inc. v. Obercian*, 1:17-cv-00926-GLR.

BY THE COURT

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AEROTEK, INC.,

Plaintiff,

v.

**BEACON HILL STAFFING
GROUP, LLC,**

Defendant.

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Civil Action No. 2:18-cv-02645-GEKP

**MOTION OF DEFENDANT,
BEACON HILL STAFFING GROUP, LLC
TO DISMISS PLAINTIFF'S AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6) AND/OR 12(b)(7)
OR IN THE ALTERNATIVE, MOTION TO STAY**

Defendant, Beacon Hill Staffing Group, LLC ("Beacon Hill") through its counsel, Eckert Seamans Cherin & Mellott, LLC, moves this Court to dismiss Plaintiff's Amended Complaint, on the following bases: (1) failure to state a claim pursuant Fed. R. Civ. P. 12(b)(6); and (2) failure to join party under Rule 19, or in the alternative, Beacon Hill seeks a stay of this action pending resolution of the related action in United States District Court for the District of Maryland *Aerotek, Inc. v. Obercian*, 1:17-cv-00926-GLR.

The reasons and law supporting this Motion are more fully set forth in the attached Memorandum of Law which is incorporated herein by reference. Defendant Beacon Hill requests this Court grant its Motion to Dismiss and dismiss Plaintiff's Complaint against it, or in the alternative, to stay this action.

ECKERT SEAMANS CHERIN &
MELLOTT, LLC

By: /s/ Elizabeth S. Gallard

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*Attorney for Defendant
Beacon Hill Staffing Group, LLC*

Date: September 14, 2018

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record and serve the foregoing document upon the following:

Jonathan L. Shaw, Esquire
LITTLER MENDELSON, P.C.
Three Parkway
1601 Cherry Street, Suite 1400
Philadelphia, PA 19102

/s/ Elizabeth S. Gallard
Elizabeth S. Gallard